

EXHIBIT G

N22sHER1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 HERMÈS INTERNATIONAL, et al.,

4 Plaintiffs,

5 v.

22 Civ. 384 (JSR)

6 MARTIN ROTHSCHILD,

7 Defendant.

8 -----x
9 New York, N.Y.
February 2, 2023
10 9:30 a.m.

11 Before:

12 HON. JED S. RAKOFF,

13 District Judge
-and a Jury-

14
15 APPEARANCES

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N22VHER2

Estival - Redirect

1 Q. And is this a post that you put out publicly?

2 A. Yes, this went out on Twitter.

3 Q. And this 24,000 number, that's right at the top of the
4 Discord?

5 A. Yes, this is on December 15th. And this would have been
6 the number that I saw at the top. And everybody could see
7 publicly, so I couldn't, like, lie about it.

8 MR. HARRIS: Your Honor, I offer Defendant's Exhibit
9 619.

10 MR. WARSHAVSKY: Your Honor, I think this is -- I
11 think this is hearsay within hearsay, given the testimony.

12 THE COURT: Let me ask the witness, this is something
13 you put together?

14 THE WITNESS: This is my -- my tweet.

15 THE COURT: Overruled.

16 MR. HARRIS: Thank you. Please publish that.

17 THE COURT: This is, I think, fair rebuttal, and the
18 door was opened to this. Received.

19 MR. HARRIS: Thank you, your Honor.

20 (Defendant's Exhibit 619 received in evidence)

21 THE COURT: So maybe this has been answered, but at
22 least to me it's unclear. The decision to use the term
23 "MetaBirkins" was yours, yes?

24 THE WITNESS: The final decision to actually use the
25 term, yes.

N22VHER2

Estival - Redirect

1 THE COURT: Okay. And you intended to associate -- to
2 indicate to the people who were accessing this that this was in
3 some sense a reference to Birkin bags, yes?

4 THE WITNESS: In some ways, yes, a reference.

5 THE COURT: Okay. And just so I understand how the
6 purchasing went, they knew that when they purchase an NFT, even
7 though for 24 hours they would only see a shrouded image, that
8 what they were ultimately going to get was one of these --

9 THE WITNESS: Yeah, one --

10 THE COURT: -- MetaBirkin fur-covered MetaBirkin
11 images; correct?

12 THE WITNESS: Yes.

13 THE COURT: Go ahead.

14 BY MR. HARRIS:

15 Q. In fact, Mr. Rothschild, did there come a point in time
16 where the Discord had more than 24,000 members?

17 A. Yes, this was just on December 15th.

18 MR. HARRIS: You can take that down, please, Ashley.

19 Q. Mr. Warshavsky asked you some questions yesterday about a
20 community poll, do you recall that?

21 A. Right.

22 MR. HARRIS: If you could please put up in evidence,
23 Ashley, Exhibit 306, page 31.

24 Q. And you were shown this yesterday, right?

25 A. Yes.

N22sHER3

Estival - Recross

1 four technical objections to that question, but I think you
2 really need to move on.

3 MR. WARSHAVSKY: I would like to show to the
4 witness -- or the witness and counsel -- Exhibit 279 beginning
5 at page -- I'm sorry -- I need help.

6 What page is this? Beginning at page 99, is it?

7 Beginning at page nine. Sorry. OK.

8 Q. Mr. Rothschild, this is from your Instagram account, is
9 that correct?

10 A. Um, MetaBirkins' Instagram, yes.

11 Q. MetaBirkins' Instagram account.

12 And this is an account that you curate?

13 A. Yes.

14 MR. WARSHAVSKY: Your Honor, we would offer in this
15 page of Plaintiff's Exhibit 279.

16 MR. HARRIS: Your Honor, we have no objection to the
17 exhibit.

18 THE COURT: Received.

19 (Plaintiff's Exhibit 279, page 9, received in
20 evidence)

21 MR. WARSHAVSKY: Publish to the jury.

22 BY MR. WARSHAVSKY:

23 Q. Do you see the second -- the text at the top of the page?

24 A. Correct.

25 Q. OK. It says, Where is my purse? You guys scammed me.

N22sHER3

Estival - Recross

1 Do you see that?

2 A. Yes.

3 Q. Did you respond to this?

4 A. No.

5 Q. Thank you.

6 You also spoke earlier about -- I'm sorry. I'm just
7 trying to organize myself. One moment.

8 You also spoke about --

9 MR. HARRIS: Your Honor, if I may. I'm sorry.

10 For completeness, could we also offer page eight of
11 that exhibit?

12 THE COURT: Well, not unless you show it to me on my
13 screen.

14 OK. That will be received.

15 Any objection?

16 MR. WARSHAVSKY: I'm looking. I'm not sure of the
17 relevance. These are not by the same individuals.

18 THE COURT: I'll receive it.

19 MR. WARSHAVSKY: I have no objection, though.

20 THE COURT: All right.

21 (Plaintiff's Exhibit 279, page 8, received in
22 evidence)

23 BY MR. WARSHAVSKY:

24 Q. Now, you spoke about Mr. Loo, and I think you said that he
25 received or he informed you that he received inquiries from the